

110TH CONGRESS
1ST SESSION

H. R. 542

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans with limited English proficiency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2007

Ms. SOLIS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans with limited English proficiency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROVISION OF MENTAL HEALTH SERVICES BY**
4 **DEPARTMENT OF VETERANS AFFAIRS FOR**
5 **VETERANS WITH LIMITED ENGLISH PRO-**
6 **FICIENCY.**

7 (a) IN GENERAL.—

1 (1) REQUIREMENT.—Chapter 17 of title 38,
2 United States Code, is amended by inserting after
3 section 1712B the following new section:

4 **“§ 1713. Mental health services; languages other than**
5 **English**

6 “(a) AVAILABILITY OF COUNSELING IN LANGUAGES
7 OTHER THAN ENGLISH.—In providing counseling and
8 other mental health services authorized by law to a veteran
9 with limited English proficiency, the Secretary shall en-
10 sure that such counseling and services are available to that
11 veteran in both English and a language other than English
12 in which the veteran is proficient, if requested by the vet-
13 eran.

14 “(b) IDENTIFICATION OF VETERANS WITH LIMITED
15 ENGLISH PROFICIENCY.—For purposes of this section,
16 the Secretary shall develop procedures for identifying vet-
17 erans with limited English proficiency and of informing
18 those veterans of the provisions of subsection (a).”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter is amended
21 by inserting after the item relating to section 1712B
22 the following new item:

 “1713. Mental health services; languages other than English.”.

23 (b) EFFECTIVE DATE.—Section 1713 of title 38,
24 United States Code, as added by subsection (a) shall take

1 effect at the end of the 120-day period beginning on the
2 date of the enactment of this Act.

3 **SEC. 2. CODIFICATION FOR DEPARTMENT OF VETERANS**
4 **AFFAIRS OF REQUIREMENTS OF EXECUTIVE**
5 **ORDER 13166.**

6 (a) SYSTEM FOR ACCESS TO SERVICES.—The Sec-
7 retary of Veterans Affairs shall implement a system by
8 which persons with limited English proficiency can mean-
9 ingfully access the services provided by the Department
10 of Veterans Affairs consistent with, and without unduly
11 burdening, the fundamental mission of that Department.
12 The Secretary shall work to ensure that recipients of fi-
13 nancial assistance under programs of the Department pro-
14 vide meaningful access to applicants and beneficiaries with
15 limited English proficiency.

16 (b) PLAN.—The Secretary shall implement a plan to
17 improve access to programs and activities of the Depart-
18 ment of Veterans Affairs by eligible persons with limited
19 English proficiency. The plan shall be consistent with the
20 standards set forth in the guidance document issued by
21 the Attorney General in conjunction with Executive Order
22 13166, issued August 11, 2000, and shall include the
23 steps the Secretary will take to ensure that eligible persons
24 with limited English proficiency can meaningfully access
25 the programs and activities of the Department.

1 **SEC. 3. IMPLEMENTATION.**

2 In developing and implementing the plan under sec-
3 tion 2(b), the Secretary shall, at a minimum, carry out
4 the following:

5 (1) The Secretary shall conduct a thorough as-
6 sessment of the language needs of the population
7 served by the Department of Veterans Affairs, in-
8 cluding identifying the non-English languages that
9 are likely to be encountered.

10 (2) The Secretary shall develop and implement
11 a comprehensive language assistance program, which
12 shall include—

13 (A) hiring bilingual staff and interpreters
14 for patient and client contact positions; and

15 (B) translating written materials (such as
16 consent forms, notice of free language assist-
17 ance, and outreach materials) into languages
18 other than English.

19 (3) The Secretary shall train staff of the De-
20 partment on the access policy of the Department
21 with respect to persons with limited English pro-
22 ficiency and on carrying out that policy.

23 (4) The Secretary shall establish vigilant moni-
24 toring and oversight to ensure that persons with lim-
25 ited English proficiency have meaningful access to
26 health care and services.

1 (5) The Secretary shall establish a task force to
2 evaluate implementation and to prioritize needed ac-
3 tions to implement the access plan for persons with
4 limited English proficiency.

5 (6) The Secretary shall develop a specific plan
6 to ensure seamless transition of veterans and their
7 families from benefits and services provided by the
8 Department of Defense to benefits and services pro-
9 vided by the Department of Veterans Affairs, includ-
10 ing bilingual readjustment and bereavement coun-
11 seling.

12 (7) The Secretary shall establish a process to
13 translate vital documents and other materials, in-
14 cluding materials on the World Wide Web, brochures
15 distributed as part of outreach efforts to
16 servicemembers transitioning into civilian life, and
17 the post-deployment health reassessment program.

18 (8) The Secretary shall conduct outreach to vet-
19 erans and their families in communities which may
20 have higher proportions of populations with limited
21 English proficiency to ensure they are aware of eligi-
22 bility for benefits and services from the Department
23 of Veterans Affairs.

1 **SEC. 4. REPORT ON IMPLEMENTATION BY VETERANS**
2 **HEALTH ADMINISTRATION OF DIRECTIVE ON**
3 **IMPROVING ACCESS TO SERVICES FOR PER-**
4 **SONS WITH LIMITED ENGLISH PROFICIENCY.**

5 (a) **REPORT REQUIRED.**—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Veterans Affairs shall submit to the Committees on
8 Veterans' Affairs of the Senate and House of Representa-
9 tives a report on the implementation by the Veterans
10 Health Administration of the Department of Veterans Af-
11 fairs of the directive of the Veterans Health Administra-
12 tion designated “VHA Directive 2002–006” that was
13 issued by the Under Secretary for Health of the Depart-
14 ment of Veterans Affairs on January 31, 2002, and that
15 issued policy to implement prohibitions on discrimination
16 on the basis of national origin for persons with limited
17 English proficiency in Federally-conducted programs and
18 activities and in Federal financial assisted programs.

19 (b) **CAPACITY TO PROVIDE SERVICES TO**
20 **SERVICEMEMBERS WITH LIMITED ENGLISH PRO-**
21 **FICIENCY.**—The Secretary shall include in the report an
22 analysis of the capacity of the Department of Veterans
23 Affairs to provide services to members of the Armed
24 Forces with limited English proficiency.

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